

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE

DREMA O'DELL,
Debtor

CAPITAL ONE AUTO FINANCE,
A DIVISION OF CAPITAL ONE, N.A.,
Movant

vs.

DREMA O'DELL,
Respondent
and

SCOTT F. WATERMAN,
Trustee

CHAPTER 13

CASE NO. 22-12578-AMC

HEARING DATE:

Wednesday, April 3, 2024
11:00 A.M.

LOCATION:

9000 Market Street, Suite 400
Courtroom Number 4
Philadelphia, PA 19107

**DEBTOR'S RESPONSE TO THE
MOTION FOR RELIEF FROM AUTOMATIC STAY**

The Debtor, Respondent to the above captioned Motion, hereby opposes the instant Motion For Relief From Automatic Stay, and in support of that opposition alleges:

1. Admitted.
2. Admitted.

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3. Admitted in part, denied in part. The Debtor's mailing address is Post Office Box 205, Edgmont, PA 19028.

4. The document speaks for itself.

5. The document speaks for itself.

6. The Debtor is unaware of whether the Movant is actually or properly an assignee. To the degree that the Movant's status is material to the adjudication of the instant Motion, the Debtor demands strict proof for the Movant's allegation.

7. Denied. The Debtor paid off the debt on the vehicle, and any lien has been extinguished. See Debtor's Exhibit I.

8. Denied. The Debtor has paid off all debt owed on the vehicle.

9. Denied. The Debtor is unaware of whether the NADA value is accurate or whether any NADA value could be an accurate measure of the value of the vehicle.

10. Denied. As a practical matter, the vehicle and the Debtor's ability to use the vehicle is necessary for the Debtor's life activities and work activities, and is required for the Debtor to be able to carry out the reorganization.

11. Denied. Any debt in connection with the vehicle has been paid in full, and any lien on the vehicle has been extinguished.

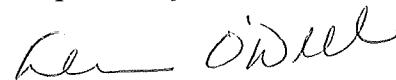
12. Denied. The Movant's allegation is a conclusion of law, which is deemed denied. Further, the Debtor denies the allegation that there is an actionable failure to make payments.

13. Denied. The Debtor is unaware of whatever expenses the Movant may have incurred, but the debt in connection with the vehicle has been paid in full. Any expenses the Movant may have incurred are entirely the Movant's responsibility.

14. Denied. While the Debtor denies that the NADA value mentioned in Movant's ¶9 may be an accurate measure of the value of the vehicle, it is a static measure. The NADA value is not changing with any rapidity, and the vehicle is not a rapidly depreciating asset. Further, the issues of value and depreciation are moot, since any debt on the vehicle has been paid in full.

WHEREFORE, the Debtor requests that this Court deny and dismiss the Motion For Relief From Automatic Stay.

Respectfully submitted,



Drema O'Dell
Debtor
P.O. Box 205
Edgmont, PA 19028
(267) 418-5177

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

		CHAPTER 13
IN RE		CASE NO. 22-12578-AMC
DREMA O'DELL, Debtor		
CAPITAL ONE AUTO FINANCE, A DIVISION OF CAPITAL ONE, N.A., Movant		<u>HEARING DATE:</u> Wednesday, April 3, 2024 11:00 A.M.
vs.		
DREMA O'DELL, Respondent		
and		
SCOTT F. WATERMAN, Trustee		<u>LOCATION:</u> 9000 Market Street, Suite 400 Courtroom Number 4 Philadelphia, PA 19107

CERTIFICATE OF SERVICE

I certify that one true and correct copy of the accompanying Response and Exhibit have been served, this day, by electronic mail or first class mail with postage prepaid upon the following at:

CATHY BUSH
4515 N. Santa Fe Ave.
Oklahoma City, OK 73118

SCOTT F. WATERMAN
2901 St. Lawrence Ave., Ste. 100
Reading, PA 19606
(ECFMail@ReadingCh13.com)

UNITED STATES TRUSTEE
Robert N. C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107
(USTPRegion03.PH.ECF@usdoj.gov)

REGINA COHEN
Lavin, Cedrone, Graver,
Boyd & DiSipio
190 North Independence Mall, Suite 500
West 6th & Race Streets
Philadelphia, PA 19106

Respectfully submitted,



Drema O'Dell
Debtor
P.O. Box 205
Edgmont, PA 19028
(267) 418-5177

Date: 3/24/24

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DREMA O'DELL, Debtor		
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and		
SCOTT F. WATERMAN, Trustee		<u>LOCATION:</u> 9000 Market Street, Suite 400 Courtroom Number 4 Philadelphia, PA 19107

O R D E R

AND NOW, this ____ day of April, 2024, upon Capital One Auto Finance's Motion For Relief From Automatic Stay, the Debtor's response thereto and any hearing thereon, this Court hereby ORDERS and DECREES that the said Motion is DENIED and now DISMISSED.

BY THE COURT:

The Honorable Ashely M. Chan
U.S. BANKRUPTCY JUDGE

EXHIBIT I

PAYMENT LOG TO CAPITAL ONE AUTO FINANCE

Date	Amount	Payment Confirmation Number
03/14/2024	\$730.00	7345687861-9
03/15/2024	\$730.00	7345687861-10
03/15/2024	\$730.00	7345687861-12
03/16/2024	\$730.00	7345687861-11
03/20/2024	\$730.00	



Transaction History Report (as of 2/29/2024)

Account #:		Period:	08/29/2002 - 02/29/2024
Loan Bal:	\$3,713.31		

Date	Description	Debit	Credit
09/16/2023	Capital One auto loan payment.		\$730.00
09/13/2023	Capital One auto loan payment.		\$365.00
09/12/2023	Capital One auto loan payment.		\$365.00
09/11/2023	Capital One auto loan payment.		\$730.00
08/30/2023	Capital One auto loan payment.		\$365.00
08/29/2023	Capital One auto loan payment.		\$365.00
05/22/2023	Capital One auto loan payment.		\$365.08
11/04/2022	Capital One auto loan payment.		\$365.08
09/08/2022	Capital One auto loan payment.		\$365.08
08/08/2022	Capital One auto loan payment.		\$365.08
07/08/2022	Capital One auto loan payment.		\$365.08
06/08/2022	Capital One auto loan payment.		\$365.08
05/07/2022	Capital One auto loan payment.		\$365.08
04/08/2022	Capital One auto loan payment.		\$365.08
03/08/2022	Capital One auto loan payment.		\$365.08
02/08/2022	Capital One auto loan payment.		\$365.08
01/08/2022	Capital One auto loan payment.		\$365.08
12/08/2021	Capital One auto loan payment.		\$365.08
11/08/2021	Capital One auto loan payment.		\$365.08
10/08/2021	Capital One auto loan payment.		\$365.08
09/08/2021	Capital One auto loan payment.		\$365.08
08/07/2021	Capital One auto loan payment.		\$365.08
07/08/2021	Capital One auto loan payment.		\$365.08
06/08/2021	Capital One auto loan payment.		\$365.08
05/08/2021	Capital One auto loan payment.		\$365.08
04/08/2021	Capital One auto loan payment.		\$365.08
03/08/2021	Capital One auto loan payment.		\$365.08
02/08/2021	Capital One auto loan payment.		\$365.08
01/08/2021	Capital One auto loan payment.		\$365.08
12/08/2020	Capital One auto loan payment.		\$365.08
11/07/2020	Capital One auto loan payment.		\$365.08
10/08/2020	Capital One auto loan payment.		\$365.08
09/08/2020	Capital One auto loan payment.		\$365.08

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Account #:		Period:	08/29/2002 - 02/29/2024
Loan Bal:	\$3,713.31		

Date	Description	Debit	Credit
08/08/2020	Capital One auto loan payment.		\$365.08
07/08/2020	Capital One auto loan payment.		\$365.08
06/08/2020	Capital One auto loan payment.		\$365.08
05/08/2020	Capital One auto loan payment.		\$365.08
04/08/2020	Capital One auto loan payment.		\$365.08
03/07/2020	Capital One auto loan payment.		\$365.08
02/08/2020	Capital One auto loan payment.		\$365.08
01/08/2020	Capital One auto loan payment.		\$365.08
12/07/2019	Capital One auto loan payment.		\$365.08
11/08/2019	Capital One auto loan payment.		\$365.08
10/08/2019	Capital One auto loan payment.		\$365.08
09/07/2019	Capital One auto loan payment.		\$365.08
08/08/2019	Capital One auto loan payment.		\$365.08
07/08/2019	Capital One auto loan payment.		\$365.08
06/03/2019	Capital One auto loan payment.		\$365.08